

104TH CONGRESS
1ST SESSION

H. R. 87

To establish the Department of Energy Laboratory Facilities Commission,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. BARTLETT of Maryland introduced the following bill; which was referred to the Committee on Science and, in addition, to the Committees on National Security and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Department of Energy Laboratory Facilities
Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Energy
5 Laboratory Facilities Act of 1995”.

1 **SEC. 2. DEPARTMENT OF ENERGY LABORATORY FACILI-**
2 **TIES COMMISSION.**

3 (a) ESTABLISHMENT.—There is established an inde-
4 pendent commission to be known as the “Department of
5 Energy Laboratory Facilities Commission”.

6 (b) DUTIES.—The Commission shall carry out the
7 duties specified for the Commission in this Act.

8 (c) APPOINTMENT.—

9 (1) IN GENERAL.—The Commission shall be
10 composed of 7 members appointed by the President,
11 by and with the advise and consent of the Senate.
12 The President shall transmit to the Senate the
13 nominations for appointment to the Commission not
14 later than 3 months after the date of the enactment
15 of this Act.

16 (2) CONSULTATION.—In selecting individuals
17 for nominations for appointments to the Commis-
18 sion, the President should consult with—

19 (A) the Speaker of the House of Rep-
20 resentatives concerning the appointment of 1
21 member;

22 (B) the majority leader of the Senate con-
23 cerning the appointment of 1 member;

24 (C) the minority leader of the House of
25 Representatives concerning the appointment of
26 1 member; and

1 (D) the minority leader of the Senate con-
2 cerning the appointment of 1 member.

3 (3) CHAIRPERSON.—At the time the President
4 nominates individuals for appointment to the Com-
5 mission, the President shall designate one such indi-
6 vidual who shall serve as Chairperson of the Com-
7 mission.

8 (d) TERMS.—Each member of the Commission shall
9 serve until the termination of the Commission under sub-
10 section (l).

11 (e) MEETINGS.—Each meeting of the Commission,
12 other than meetings in which classified information is to
13 be discussed, shall be open to the public.

14 (f) VACANCIES.—A vacancy in the Commission shall
15 be filled in the same manner as the original appointment,
16 but the individual appointed to fill the vacancy shall serve
17 only for the unexpired portion of the term for which the
18 individual's predecessor was appointed.

19 (g) PAY AND TRAVEL EXPENSES.—

20 (1) IN GENERAL.—

21 (A) BASIC PAY.—Each member, other than
22 the Chairperson, shall be paid at a rate equal
23 to the daily equivalent of the minimum annual
24 rate of basic pay payable for level IV of the Ex-
25 ecutive Schedule under section 5315 of title 5,

1 United States Code, for each day (including
2 travel time) during which the member is en-
3 gaged in the actual performance of duties vest-
4 ed in the Commission.

5 (B) PAY OF CHAIRPERSON.—The Chair-
6 person shall be paid for each day referred to in
7 subparagraph (A) at a rate equal to the daily
8 equivalent of the minimum annual rate of basic
9 pay payable for level III of the Executive
10 Schedule under section 5314 of title 5, United
11 States Code.

12 (2) TRAVEL EXPENSES.—Members shall receive
13 travel expenses, including per diem in lieu of subsist-
14 ence, in accordance with sections 5702 and 5703 of
15 title 5, United States Code.

16 (h) DIRECTOR.—

17 (1) IN GENERAL.—The Commission shall, with-
18 out regard to section 5311(b) of title 5, United
19 States Code, appoint a Director who—

20 (A) has not served as a civilian employee
21 of the Department of Energy during the one-
22 year period preceding the date of such appoint-
23 ment;

1 (B) has not been an employee of a depart-
2 mental laboratory during the 5-year period pre-
3 ceding the date of such appointment; and

4 (C) has not been an employee of a contrac-
5 tor operating a departmental laboratory during
6 the 5-year period preceding the date of such ap-
7 pointment.

8 (2) PAY.—The Director shall be paid at the
9 rate of basic pay payable for level IV of the Execu-
10 tive Schedule under section 5315 of title 5, United
11 States Code.

12 (i) STAFF.—

13 (1) APPOINTMENT BY DIRECTOR.—Subject to
14 subparagraphs (B) and (C), the Director, with the
15 approval of the Commission, may appoint and fix
16 the pay of additional personnel.

17 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
18 LAWS.—The Director may make such appointments
19 without regard to the provisions of title 5, United
20 States Code, governing appointments in the competi-
21 tive service, and any personnel so appointed may be
22 paid without regard to the provisions of chapter 51
23 and subchapter III of chapter 53 of that title relat-
24 ing to classification and General Schedule pay rates,
25 except that an individual so appointed may not re-

1 ceive pay in excess of the annual rate of basic pay
2 payable for level IV of the Executive Schedule under
3 section 5315 of title 5, United States Code.

4 (3) LIMITATIONS.—Not more than one-third of
5 the personnel employed by or detailed to the Com-
6 mission may be on detail from the Department of
7 Energy. No employee of a departmental laboratory,
8 or of a contractor who operates a departmental lab-
9 oratory, may be detailed to the Commission.

10 (4) SUPPORT FROM OTHER AGENCIES.—Upon
11 request of the Director, the head of a Federal agen-
12 cy may detail any of the personnel of that agency to
13 the Commission to assist the Commission in carry-
14 ing out its duties under this section.

15 (5) SUPPORT FROM COMPTROLLER GENERAL.—
16 The Comptroller General of the United States shall
17 provide assistance, including the detailing of employ-
18 ees, to the Commission in accordance with an agree-
19 ment entered into with the Commission.

20 (j) OTHER AUTHORITY.—

21 (1) TEMPORARY AND INTERMITTENT SERV-
22 ICES.—The Commission may procure by contract, to
23 the extent funds are available, the temporary or
24 intermittent services of experts or consultants pursu-
25 ant to section 3109 of title 5, United States Code.

1 (2) AUTHORITY TO LEASE SPACE AND ACQUIRE
2 CERTAIN PROPERTY.—The Commission may lease
3 space and acquire personal property to the extent
4 funds are available. To the extent practicable, the
5 Commission shall use suitable real property available
6 under the most recent inventory of real property as-
7 sets published by the Resolution Trust Corporation
8 under section 21A(b)(11)(F) of the Federal Home
9 Loan Bank Act (12 U.S.C. 1441a(b)(12)(F)).

10 (k) FUNDING.—There are authorized to be appro-
11 priated to the Commission such funds as are necessary
12 to carry out its duties under this section. Such funds shall
13 remain available until expended.

14 (l) TERMINATION.—The Commission shall terminate
15 not later than 20 months after the date of the enactment
16 of this Act.

17 **SEC. 3. PROCEDURE FOR MAKING RECOMMENDATIONS**
18 **FOR LABORATORY FACILITIES.**

19 (a) SELECTION CRITERIA.—

20 (1) IN GENERAL.—Not later than 3 months
21 after the date of the enactment of this Act, the Sec-
22 retary of Energy shall publish in the Federal Reg-
23 ister and transmit to the congressional energy com-
24 mittees the criteria proposed to be used by the Sec-
25 retary in making recommendations for the closure or

1 reconfiguration of departmental laboratories result-
2 ing in cost savings for the overall budget for such
3 laboratories. The Secretary shall provide an oppor-
4 tunity for public comment on the proposed criteria
5 for a period of at least 30 days and shall include no-
6 tice of that opportunity in the publication required
7 under this paragraph. In developing the criteria, the
8 Secretary shall consider—

9 (A) the program costs and program dis-
10 tributions on a State and county basis, includ-
11 ing real and personal property costs associated
12 with each departmental laboratory considered;

13 (B) the number of participants in pro-
14 grams conducted through a departmental lab-
15 oratory and staff resources involved;

16 (C) duplication of effort by departmental
17 laboratories and overhead costs as a proportion
18 of program benefits distributed through a de-
19 partmental laboratory;

20 (D) cost savings and increases that would
21 accrue through the reconfiguration of depart-
22 mental laboratories;

23 (E) changes in the roles and missions of
24 each departmental laboratory; and

1 (F) the privatization of the laboratories as
2 an alternative to closure or reconfiguration.

3 (2) FINAL CRITERIA.—Not later than 5 months
4 after the date of the enactment of this Act, the Sec-
5 retary shall publish in the Federal Register and
6 transmit to the congressional energy committees the
7 final criteria to be used in making recommendations
8 for the closure or reconfiguration of departmental
9 laboratories under this section.

10 (b) SECRETARY'S RECOMMENDATIONS.—

11 (1) PUBLICATION IN FEDERAL REGISTER.—Not
12 later than 1 year after the date of the enactment of
13 this Act, the Secretary shall publish in the Federal
14 Register and transmit to the congressional energy
15 committees and to the Commission a list of the de-
16 partmental laboratories that the Secretary rec-
17 ommends for closure or reconfiguration on the basis
18 of the final criteria referred to in subsection (a).

19 (2) SUMMARY OF SELECTION PROCESS.—The
20 Secretary shall include, with the list of recommenda-
21 tions published and transmitted pursuant to para-
22 graph (1), a summary of the selection process that
23 resulted in the recommendation for each depart-
24 mental laboratory, including a justification for each
25 recommendation.

1 (c) EQUAL CONSIDERATION OF LABORATORIES.—In
2 considering departmental laboratories for closure or recon-
3 figuration, the Secretary shall consider all such labora-
4 tories equally without regard to whether a laboratory has
5 been previously considered or proposed for closure or re-
6 configuration by the Secretary.

7 (d) AVAILABILITY OF INFORMATION.—The Secretary
8 shall make available to the Commission and the Control-
9 ler General of the United States all information used by
10 the Secretary in making recommendations to the Commis-
11 sion for closures and reconfiguration.

12 (e) REVIEW AND RECOMMENDATIONS BY THE COM-
13 MISSION.—

14 (1) PUBLIC HEARINGS.—After receiving the
15 recommendations from the Secretary pursuant to
16 subsection (b), the Commission shall conduct public
17 hearings on the recommendations.

18 (2) REPORT.—Not later than 18 months after
19 the date of the enactment of this Act, the Commis-
20 sion shall transmit to the President and the congress-
21 sional energy committees a report containing the
22 Commission's findings and conclusions based on a
23 review and analysis of the recommendations made by
24 the Secretary, together with the Commission's rec-
25 ommendations for closures and reconfigurations of

1 departmental laboratories. In conducting such review
2 and analysis, the Commission shall consider all de-
3 partmental laboratories.

4 (3) DEVIATION FROM SECRETARY'S REC-
5 OMMENDATIONS.—In making its recommendations,
6 the Commission may make changes in any of the
7 recommendations made by the Secretary if the Com-
8 mission determines that the Secretary deviated sub-
9 stantially from the final criteria referred to in sub-
10 section (a) in making recommendations. The Com-
11 mission shall explain and justify in the report any
12 recommendation made by the Commission that is
13 different from the recommendations made by the
14 Secretary.

15 (4) PROVISION OF CERTAIN INFORMATION.—
16 After transmitting the report, the Commission shall
17 promptly provide, upon request, to any Member of
18 Congress information used by the Commission in
19 making its recommendations.

20 (f) ASSISTANCE FROM COMPTROLLER GENERAL.—
21 The Comptroller General of the United States shall—

22 (1) assist the Commission, to the extent re-
23 quested, in the Commission's review and analysis of
24 the recommendations made by the Secretary pursu-
25 ant to subsection (b); and

1 (2) not later than 15 months after the date of
2 the enactment of this Act, transmit to the congres-
3 sional energy committees and to the Commission a
4 report containing a detailed analysis of the Sec-
5 retary's recommendations and selection process.

6 (g) REVIEW BY THE PRESIDENT.—

7 (1) IN GENERAL.—Not later than 19 months
8 after the date of the enactment of this Act, the
9 President shall transmit to the Commission and to
10 the congressional energy committees a report con-
11 taining the President's approval or disapproval of
12 the Commission's recommendations.

13 (2) PRESIDENTIAL APPROVAL.—If the Presi-
14 dent approves all of the recommendations of the
15 Commission, the President shall transmit a copy of
16 such recommendations to the congressional energy
17 committees together with a certification of such
18 approval.

19 (3) PRESIDENTIAL DISAPPROVAL.—If the
20 President disapproves the recommendations of the
21 Commission, in whole or in part, the President shall
22 transmit to the Commission and the congressional
23 energy committees the reasons for that disapproval.
24 The Commission shall then transmit to the Presi-
25 dent, not later than 20 months after the date of the

1 enactment of this Act, a revised list of recommenda-
2 tions for the closure and reconfiguration of depart-
3 mental laboratories resulting in cost savings for the
4 overall budget for such departmental laboratories.

5 (4) CERTIFICATION.—If the President approves
6 all of the revised recommendations of the Commis-
7 sion transmitted to the President under paragraph
8 (3), the President shall transmit a copy of such re-
9 vised recommendations to the congressional energy
10 committees, together with a certification of such
11 approval.

12 (5) FAILURE TO CERTIFY.—If the President
13 does not transmit to the congressional energy com-
14 mittees an approval and certification described in
15 paragraph (2) or (4) by 21 months after the date of
16 the enactment of this Act, the process by which de-
17 partmental laboratories may be selected for closure
18 or reconfiguration under this section shall be termi-
19 nated.

20 **SEC. 4. CLOSURE AND RECONFIGURATION OF DEPART-**
21 **MENTAL LABORATORIES.**

22 (a) IN GENERAL.—Subject to subsection (b), the Sec-
23 retary shall—

24 (1) close all departmental laboratories rec-
25 ommended for closure by the Commission in the re-

1 port transmitted to the congressional energy com-
2 mittees by the President pursuant to section 3(g);

3 (2) reconfigure all such laboratories rec-
4 ommended for reconfiguration by the Commission in
5 the report; and

6 (3) complete the closures and reconfigurations
7 not later than the end of the 6-year period beginning
8 on the date on which the President transmits the re-
9 port pursuant to section 3(g).

10 (b) CONGRESSIONAL DISAPPROVAL.—

11 (1) IN GENERAL.—The Secretary may not carry
12 out any closure or reconfiguration of a departmental
13 laboratory recommended by the Commission in the
14 report transmitted from the President pursuant to
15 section 3(g) if a joint resolution is enacted, in ac-
16 cordance with the provisions of section 8, disapprov-
17 ing the recommendations of the Commission before
18 the earlier of—

19 (A) the end of the 45-day period beginning
20 on the date on which the President transmits
21 the report; or

22 (B) the adjournment of Congress sine die
23 for the session during which the report is trans-
24 mitted.

1 (2) For purposes of paragraph (1) of this sub-
2 section and subsections (a) and (c) of section (8),
3 the days on which either House of Congress is not
4 in session because of an adjournment of more than
5 three days to a day certain shall be excluded in the
6 computation of a period.

7 **SEC. 5. IMPLEMENTATION OF CLOSURE AND RECONFIG-**
8 **URATION ACTIONS.**

9 (a) ACTIONS OF THE SECRETARY.—In closing or
10 reconfiguring a departmental laboratory under this Act,
11 the Secretary shall—

12 (1) take such actions as may be necessary to
13 close or reconfigure the departmental laboratory;

14 (2) provide outplacement assistance to any em-
15 ployees employed by the Department of Energy at
16 the office whose employment is being terminated,
17 and may use for such purpose funds in the Account
18 or funds appropriated to the Department of Energy
19 for outplacement assistance to employees;

20 (3) take such steps as may be necessary to en-
21 sure the safe keeping of all records stored at the de-
22 partmental laboratory; and

23 (4) reimburse other Federal agencies for ac-
24 tions performed at the request of the Secretary with
25 respect to any such closure or reconfiguration, and

1 may use for such purpose funds in the Account or
2 funds appropriated to the Department of Energy
3 and available for such purpose.

4 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

5 (1) IN GENERAL.—The Administrator of Gen-
6 eral Services shall delegate to the Secretary of En-
7 ergy, with respect to excess and surplus real prop-
8 erty and facilities located at a departmental labora-
9 tory closed or reconfigured under this Act—

10 (A) the authority of the Administrator to
11 utilize excess property under section 202 of the
12 Federal Property and Administrative Services
13 Act of 1949 (40 U.S.C. 483);

14 (B) the authority of the Administrator to
15 dispose of surplus property under section 203
16 of that Act (40 U.S.C. 484);

17 (C) the authority of the Administrator to
18 grant approvals and make determinations under
19 section 13(g) of the Surplus Property Act of
20 1944 (50 U.S.C. App. 1622(g)); and

21 (D) the authority of the Administrator to
22 determine the availability of excess or surplus
23 real property for wildlife conservation purposes
24 in accordance with the Act of May 19, 1948
25 (16 U.S.C. 667b).

1 (2) EXERCISE OF AUTHORITY.—

2 (A) IN GENERAL.—Subject to subpara-
3 graph (C), the Secretary shall exercise the au-
4 thority delegated to the Secretary pursuant to
5 paragraph (1) in accordance with—

6 (i) all regulations in effect on the date
7 of the enactment of this Act governing the
8 utilization of excess property and the dis-
9 posal of surplus property under the Fed-
10 eral Property and Administrative Services
11 Act of 1949; and

12 (ii) all regulations in effect on the
13 date of the enactment of this Act govern-
14 ing the conveyance and disposal of prop-
15 erty under section 13(g) of the Surplus
16 Property Act of 1944 (50 U.S.C. App.
17 1622(g)).

18 (B) REGULATIONS.—The Secretary, after
19 consulting with the Administrator of General
20 Services, may issue regulations that are nec-
21 essary to carry out the delegation of authority
22 required by paragraph (1).

23 (C) LIMITATION.—The authority required
24 to be delegated by paragraph (1) to the Sec-
25 retary by the Administrator of General Services

1 shall not include the authority to prescribe gen-
2 eral policies and methods for utilizing excess
3 property and disposing of surplus property.

4 (c) WAIVER.—The Secretary may close or reconfigure
5 departmental laboratories under this Act without regard
6 to any provision of law restricting the use of funds for
7 closing or reconfiguring such departmental laboratories in-
8 cluded in any appropriations or authorization Act.

9 **SEC. 6. ACCOUNT.**

10 (a) ESTABLISHMENT.—There is hereby established
11 on the books of the Treasury an account to be known as
12 the “Department of Energy Laboratory Facility Closure
13 Account” which shall be administered by the Secretary as
14 a single account.

15 (b) CONTENT OF ACCOUNT.—There shall be depos-
16 ited into the Account—

17 (1) funds authorized for and appropriated to
18 the Account;

19 (2) any funds that the Secretary may, subject
20 to approval in an appropriation Act, transfer to the
21 Account from funds appropriated to the Department
22 of Energy for any purpose, except that such funds
23 may be transferred only after the date on which the
24 Secretary transmits written notice of, and justifica-

1 tion for, such transfer to the congressional energy
2 committees; and

3 (3) proceeds received from the transfer or dis-
4 posal of any property at an office closed or reconfig-
5 ured under this section.

6 (c) USE OF FUNDS.—The Secretary may use the
7 funds in the Account only for the purposes described in
8 section 5(a).

9 (d) REPORTS.—

10 (1) IN GENERAL.—Not later than 60 days after
11 the end of each fiscal year in which the Secretary
12 carries out activities under this Act, the Secretary
13 shall transmit a report to the congressional energy
14 committees of the amount and nature of the deposits
15 into, and the expenditures from, the Account during
16 such fiscal year and of the amount and nature of
17 other expenditures made pursuant to section 5(a)
18 during such fiscal year.

19 (2) UNOBLIGATED FUNDS.—Unobligated funds
20 which remain in the Account after the termination
21 of the Commission shall be held in the Account until
22 transferred by law after the congressional energy
23 committees receive the report transmitted under
24 paragraph (3).

1 (3) ACCOUNTING REPORT.—Not later than 60
2 days after the termination of the Commission, the
3 Secretary shall transmit to the congressional energy
4 committees a report containing an accounting of—

5 (A) all the funds deposited into and ex-
6 pended from the Account or otherwise expended
7 under this section; and

8 (B) any amount remaining in the Account.

9 **SEC. 7. REPORTS ON IMPLEMENTATION.**

10 As part of the budget request for each fiscal year in
11 which the Secretary will carry out activities under this
12 Act, the Secretary shall transmit to the congressional en-
13 ergy committees—

14 (1) a schedule of the closure and reconfigura-
15 tion actions to be carried out under this Act in the
16 fiscal year for which the request is made and an es-
17 timate of the total expenditures required and cost
18 savings to be achieved by each such closure and re-
19 configuration and of the time period in which these
20 savings are to be achieved in each case; and

21 (2) a description of the departmental labora-
22 tories, including those under construction and those
23 planned for construction, to which functions are to
24 be transferred as a result of such closures and
25 reconfigurations.

1 **SEC. 8. CONGRESSIONAL CONSIDERATION OF COMMISSION**
2 **REPORT.**

3 (a) TERMS OF THE RESOLUTION.—For purposes of
4 section 4(b), the term “joint resolution” means only a
5 joint resolution which is introduced within the 10-day pe-
6 riod beginning on the date on which the President trans-
7 mits the report to the Congress under section 3(g), and—

8 (1) which does not have a preamble;

9 (2) the matter after the resolving clause of
10 which is as follows: “That Congress disapproves the
11 recommendations of the Department of Energy Lab-
12 oratory Facilities Commission as submitted by the
13 President on _____”, the blank space being filled
14 in with the appropriate date; and

15 (3) the title of which is as follows: “Joint reso-
16 lution disapproving the recommendations of the De-
17 partment of Energy Laboratory Facilities Commis-
18 sion.”.

19 (b) REFERRAL.—A resolution described in subsection
20 (a) that is introduced in the House of Representatives
21 shall be referred to the Committee on National Security
22 and the Committee on Science of the House of Represent-
23 atives. A resolution described in subsection (a) introduced
24 in the Senate shall be referred to the Committee on Armed
25 Services and the Committee on Energy and Natural Re-
26 sources of the Senate.

1 (c) DISCHARGE.—If the committee to which a resolu-
2 tion described in subsection (a) is referred has not re-
3 ported such resolution (or an identical resolution) by the
4 end of the 20-day period beginning on the date on which
5 the President transmits the report to the Congress under
6 section 3(g), such committee shall be, at the end of such
7 period, discharged from further consideration of such reso-
8 lution, and such resolution shall be placed on the appro-
9 priate calendar of the House involved.

10 (d) CONSIDERATION.—

11 (1) IN GENERAL.—On or after the third day
12 after the date on which the committee to which such
13 a resolution is referred has reported, or has been
14 discharged (under subsection (c)) from further con-
15 sideration of, such a resolution, it is in order (even
16 though a previous motion to the same effect has
17 been disagreed to) for any Member of the respective
18 House to move to proceed to the consideration of the
19 resolution (but only on the day after the calendar
20 day on which such Member announces to the House
21 concerned the Member's intention to do so). All
22 points of order against the resolution (and against
23 consideration of the resolution) are waived. The mo-
24 tion is highly privileged in the House of Representa-
25 tives and is privileged in the Senate and is not de-

1 batable. The motion is not subject to amendment, or
2 to a motion to postpone, or to a motion to proceed
3 to the consideration of other business. A motion to
4 reconsider the vote by which the motion is agreed to
5 or disagreed to shall not be in order. If a motion to
6 proceed to the consideration of the resolution is
7 agreed to, the respective House shall immediately
8 proceed to consideration of the joint resolution with-
9 out intervening motion, order, or other business, and
10 the resolution shall remain the unfinished business
11 of the respective House until disposed of.

12 (2) DEBATE.—Debate on the resolution, and on
13 all debatable motions and appeals in connection
14 therewith, shall be limited to not more than 2 hours,
15 which shall be divided equally between those favoring
16 and those opposing the resolution. An amendment to
17 the resolution is not in order. A motion further to
18 limit debate is in order and not debatable. A motion
19 to postpone, or a motion to proceed to the consider-
20 ation of other business, or a motion to recommit the
21 resolution is not in order. A motion to reconsider the
22 vote by which the resolution is agreed to or dis-
23 agreed to is not in order.

24 (3) QUORUM CALL.—Immediately following the
25 conclusion of the debate on a resolution described in

1 subsection (a) and a single quorum call at the con-
2 clusion of the debate if requested in accordance with
3 the rules of the appropriate House, the vote on final
4 passage of the resolution shall occur.

5 (4) APPEALS FROM DECISION OF CHAIR.—Ap-
6 peals from the decisions of the Chair relating to the
7 application of the rules of the Senate or the House
8 of Representatives, as the case may be, to the proce-
9 dure relating to a resolution described in subsection
10 (a) shall be decided without debate.

11 (e) CONSIDERATION BY OTHER HOUSE.—

12 (1) If, before the passage by one House of a
13 resolution of that House described in subsection (a),
14 that House receives from the other House a resolu-
15 tion described in subsection (a), then the following
16 procedures shall apply:

17 (A) The resolution of the other House shall
18 not be referred to a committee and may not be
19 considered in the House receiving it except in
20 the case of final passage as provided in sub-
21 paragraph (B)(ii).

22 (B) With respect to a resolution described
23 in paragraph (1) of the House receiving the res-
24 olution—

1 (i) the procedure in that House shall
2 be the same as if no resolution had been
3 received from the other House; but

4 (ii) the vote on final passage shall be
5 on the resolution of the other House.

6 (2) CONSIDERATION AFTER DISPOSITION BY
7 OTHER HOUSE.—Upon disposition of the resolution
8 received from the other House, it shall no longer be
9 in order to consider the resolution that originated in
10 the receiving House.

11 (f) RULES OF THE SENATE AND HOUSE.—This sub-
12 section is enacted by Congress—

13 (1) as an exercise of the rulemaking power of
14 the Senate and House of Representatives, respec-
15 tively, and as such it is deemed a part of the rules
16 of each House, respectively, but applicable only with
17 respect to the procedure to be followed in that
18 House in the case of a resolution described in sub-
19 section (a), and it supersedes other rules only to the
20 extent that it is inconsistent with such rules; and

21 (2) with full recognition of the constitutional
22 right of either House to change the rules (so far as
23 relating to the procedure of that House) at any time,
24 in the same manner, and to the same extent as in
25 the case of any other rule of that House.

1 **SEC. 9. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “Account” means the Department
4 of Energy Laboratory Facility Closure Account es-
5 tablished in section 6(a).

6 (2) The term “Commission” means the Depart-
7 ment of Energy Laboratory Facilities Closure and
8 Reconfiguration Commission.

9 (3) The term “congressional energy commit-
10 tees” means the Committee on Armed Services of
11 the Senate, the Committee on National Security of
12 the House of Representatives, the Committee on
13 Science of the House of Representatives, and the
14 Committee on Energy and Natural Resources of the
15 Senate.

16 (4) The term “departmental laboratory” means
17 a Federal laboratory, or any other laboratory or fa-
18 cility designated by the Secretary, operated by or on
19 behalf of the Department of Energy.

20 (5) The term “Federal laboratory” has the
21 meaning given the term “laboratory” in section
22 12(d)(2) of the Stevenson-Wydler Technology Inno-
23 vation Act of 1980 (15 U.S.C. 3710a(d)(2)).

24 (6) The term “Secretary” means the Secretary
25 of Energy.



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